

Narcotics Law Bulletin

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ABANDONED PROPERTY

Brown bag dropped by defendant was abandoned, Stokes (LA) Dec. 5

CASE HIGHLIGHTS

Agents writing down defendant's confession in English, which he did not speak, did not render confession involuntary, Bernal-Benitez (11th Cir.) Mar. 8

Coconspirator's testimony, combined with suspicious circumstances, established that defendant knew drugs were involved, Boria (3d Cir.) Apr. 8

Conduct of acquiring guns using cocaine as payment constituted possession of firearms in furtherance of drug trafficking crime, Gardner (2d Cir.) July 8

Defendant had no right to confront officer who performed accuracy tests on breath alcohol device, Chikosi (CA) Aug. 8

Defendant's acceptance of firearm as collateral to secure drug debt was "in furtherance" of drug trafficking crime, Doody (7th Cir.) June 8

Defendant's dominion and control over van from which crack cocaine was recovered was sufficient to support drug conviction, Diaz (NY) Oct. 8

Defendant's provision of drugs to victim did not support conviction for drugging a person for the purpose of unlawful sexual intercourse, LeBlanc (MA) Apr. 8

The defendant's possession of marijuana, even if for medicinal purposes, violated his supervised release conditions, Hicks (MI) Oct. 8

Defendant was entitled to examine GPS tracking records relating to police vehicles, Campanella (NY) June 8

Defendant was not "primary caregiver" authorized to cultivate medical marijuana for others, Archer (CA) Mar. 8

Drug evidence found in impermissible search of car was not admissible under good faith exception to exclusionary rule, Kingsley (MO) Oct. 8

Evidence established defendant had specific intent to facilitate cocaine distribution as required to support convictions, Heras (2d Cir.) Aug. 8

Evidence was insufficient to support conviction for conspiracy to possess and distribute crack cocaine, Johnson (7th Cir.) Mar. 7

Evidence was insufficient to support conviction for furnishing alcohol to an underage person, Shustar (OH) Aug. 8

Evidence was sufficient to establish that defendant had constructive possession of drugs in vehicle, Johnson (MS) Nov. 8

Odor of raw marijuana from defendant's vehicle provided reasonable suspicion, Goff (KS) Nov. 7

Officer had reasonable suspicion of drug trafficking to further detain defendant, Wilson (GA) Nov. 8

Officer's pre-Miranda questioning of narcotics defendant was not deliberate attempt to avoid *Miranda* requirements, Carter (TX) July 8

Officers were not lawfully in position to observe drug evidence through back door of house, Galindo-Eriza (GA) Nov. 8

Parking lot of apartment complex was "property open to public use" under drug statute, Fullwood (VA) Apr. 8, May 6

Police had probable cause to search van after defendant's girlfriend admitted it contained marijuana, Tyler Juro Kurokawa-Lasciak (OR) Nov. 8

Prehospital care report prepared by emergency medical technician was protected by physician-patient privilege, Brito (NY) Apr. 8

Scent of marijuana provided probable cause to justify search of defendant's vehicle, Maughmer (OH) Nov. 8

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State was required to prove knowledge of school zone as essential element of trafficking drugs in a drug-free school zone, Wilson (NM) July 8

Sufficient evidence established the existence of a RICO enterprise, Payne (2d Cir.) Mar. 8

There was sufficient evidence of defendant's possession of, and conspiracy to traffic, more than 50 grams of crack cocaine, Brown (11th Cir.) Mar. 8

Traffic stop was not unreasonable seizure, Everett (6th Cir.) June 8

Trooper who stopped vehicle based on tip from officer in another state had probable cause to believe there was contraband in defendant's vehicle, Hernandez-Mendoza (8th Cir.) July 8

Undercover agent was invited into residence so warrant was not required, Allison (MO) Nov. 8

Use of handwritten log book to record pager interceptions violated federal wiretap statute, Amanuel (2d Cir.) Oct. 8

CHAIN OF CUSTODY

Defendant appealed conviction by challenging chain of custody evidence, Belcher (GA) Apr. 4

CONSENT

Suspect tells officers that request to search was "no problem," Carbajal-Iriarte (10th Cir.) Jan. 5

CONSPIRACY

Court finds enough evidence to support conviction for conspiracy, Rosario-Camacho (PR) Nov. 1

CONSTRUCTIVE POSSESSION

Court finds that defendant had constructive possession over marijuana despite fact that he was not sole driver of car, DeWitt (IA) July 1

Court rejects argument that defendant did not know there was crack in motel room, Neal (OH) June 2

Defendant claims the residence was not his, so drugs not in his possession, Taylor (GA) June 1

Defendant did not constructively possess drugs in bottle, in toiletry bag, in duffle bag even though his passport was also inside, Evans (FL) July 3

DEFINITION OF "VEHICLE"

Man arrested for DUI claims bicycle is not "vehicle" under statute, Everton (D.C.) June 6

DETENTION

Detective offers to help out suspect if he gives her information, Villalpando (7th Cir.) Feb. 5

EVIDENCE

- Agent testifies to what another officer told him about suspect's statements, Watkins (5th Cir.) Mar. 6
- Defendant claims that submitted evidence violated his right to confrontation, Rivera (MA) Mar. 4
- Suspect arranges sale, opens door to police informant several times, Bolden (8th Cir.) June 4
- Suspect in room with drugs, gun thrown out of window as agents enter, Johnson (D.C. Cir.) Apr. 1
- Suspect knows he is driving to hotel to pick up drugs with a drug dealer, Heras (2d Cir.) Sept. 1

EXIGENT CIRCUMSTANCES

- Drugs are easily destroyed, providing exigency, Smith (VA) Nov. 2

EXPERT TESTIMONY

- Defendant challenges police officer's testimony as "expert" witness, Madera (MA) Apr. 6

IN BRIEF**Evidence**

- Billie (CT) Nov. 7
- Bivens (NC) Aug. 7
- Carufel (MN) July 6
- Hedge (CT) Oct. 6
- Hudson (MS) June 7
- Jackson (GA) Oct. 7
- LeBlanc (MA) May 8
- Meadows (NC) Apr. 7
- Montalvo (MA) May 7
- Rodriguez (MA) July 7
- Shustar (OH) Aug. 7

Investigative stop

- Hernandez (MA) Sept. 8

Probation

- Langlais (LA) Mar. 7

Reasonable suspicion

- McAnally (TX) Jan. 8

Traffic stop

- Williams (NC) Feb. 8

INTENT

- State did to need to show defendant knew he was within 1,000 feet of public housing, Jones (GA) Aug. 4

LOCATION OF SALE

- Defendant claims that informant's apartment was not part of "family housing complex," Covey (IN) Sept. 3

PAT DOWN

- Defendant challenges admission of scale found during pat down, Morton (NC) Aug. 1

PLAIN VIEW

- Officers spy narcotics during protective sweep, Fenn (LA) Aug. 3

POSSESSION

- Court finds substantial evidence of possession, Tenerelli (8th Cir.) Oct. 1

- Court holds that cocaine residue is cocaine, Finn (KY) Aug. 5

- Court says defendant's actions were not enough to be an "attempted possession," Reed (SD) Nov. 4

- Defendant argues that it was unreasonable to say pill bottle found in parking lot was under his control, Mankel (AZ) Oct. 5

- Defendant claims he was not in possession of drugs that led to his arrest and conviction, Collins (LA) Mar. 2

- Defendant claims there was no proof that he possessed cocaine found in friend's vagina, Lowery (KY) Dec. 2

- Defendant claims there was not enough evidence to convict him on drug charges, Jackson (MO) May 3

- Evidence sufficient that defendant knew his hat contained controlled substance, Ali (MN) Mar. 1

- Man argues that marijuana found in his car was not his, Busch (CA) Oct. 4

- Prosecution for possession of contraband materials is not required to prove actual physical possession of materials, Richardson (NC) May 1

PROBABLE CAUSE

- During unlawful arrest, narcotics dog sniffs car, Howard (6th Cir.) Nov. 5

- Informants identify defendant who challenges probable cause, Sudler (NY) Oct. 5

PROBATION VIOLATION

- Court requires abstention of medical marijuana use during probation, Moret (CA) Apr. 2

PROPERTY OPEN TO PUBLIC USE

- Parking lot of apartment complex was "property open to public use," Fullwood (VA) Apr. 8, May 6

REASONABLE SUSPICION

- Officer detains suspect based on nervousness, destination city, failure to identify girlfriend, and vaguely conflicting travel plans, Bonilla (6th Cir.) Feb. 1

Officer sees truck slow down and talk to young woman walking alone, Ceballos (10th Cir.) Feb. 3

Officers receive tip that airplane passenger is smuggling drugs, Glover (11th Cir.) Jan. 1

SEARCH

Officers see drug suspect go in and out of residence, Smith (3d Cir.) Jan. 3

Suspect has another person using an alias rent him a motel room, Domenech (6th Cir.) Dec. 1

STRIP SEARCH

Defendant attempts to exclude drug evidence recovered during strip search for jail intake, Herron (VA) July 4

SUFFICIENCY OF WARRANT

Defendant challenges veracity of witness, location on warrant, Glass (GA) Sept. 5

TRAFFIC STOP

Stop for inoperable rear lights turns up drugs, DeGray (MA) Sept. 7

VEHICLE SEARCH

Defendant argues that officers improperly searched trailer hitched to pickup truck after drug alerted to truck only, Overbey (SD) Dec. 6

WARRANT

Court says that there was fair probability that evidence of a crime would be found at defendant's home, Taylor (GA) Dec. 4

WARRANTLESS SEARCH

Exigent circumstances did not justify trooper's search of car, Tibbles (WA) Oct. 2

